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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re Y.P., et al., Persons Coming Under  
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.  
R.P., et al.,

Defendants and Respondents.

Y.P.,

Appellant;

E060155

(Super.Ct.No. RIJ1301082)

OPINION

APPEAL from the Superior Court of Riverside County. Jacqueline C. Jackson,  
Judge. Reversed.

Lisa A. Raneri, under appointment by the Court of Appeal, for Appellant Y.P  
(minor).

Jesse McGowan, under appointment by the Court of Appeal, for Defendant and Respondent R.P. (mother).

Diana W. Prince, under appointment by the Court of Appeal, for Defendant and Respondent O.P. (father).

Pamela J. Walls, County Counsel, and Julie Koons Jarvi, Deputy County Counsel, for Plaintiff and Respondent.

Y.P. appeals from the Riverside Juvenile Court's order of October 15, 2013, transferring her case back to Los Angeles County. At that time, Y.P. was a 15-year-old mother of a four-month-old infant. Y.P. had been severely abused by her adoptive parents and had run away from numerous placements in both counties since this dependency began in 2010 in Los Angeles. Y.P. has required treatment for "psycho-social-mental-and-educational needs." Y.P. argues, all parties concede, and this court agrees, that the transfer-out order must be reversed. Although we decline Y.P.'s request to declare that her best interest would not be served by transferring the case out of Riverside County, we do order that any transfer-out hearing requested by the Riverside County Department of Public Social Services (DPSS) be conducted in full accordance with established law.

## **FACTS AND PROCEDURE**

### *Child Welfare History and Detention in 2010*

In Los Angeles County, Y.P. and her three younger siblings were placed with their eventual adoptive parents in 2002 as a foster placement. At that time, Y.P. was four years old and her youngest sibling was an infant. These parents legally adopted all four

children on July 27, 2007. Child welfare authorities received referrals for neglect and physical abuse in December of 2006<sup>1</sup> and May and December of 2007. Each time the children denied any abuse, despite the presence of injuries, and the referrals were closed.

On November 17, 2010, a caller from Y.P.'s school contacted the Los Angeles Department of Children and Family Services (CFS). Y.P. had told the caller that her adoptive parents physically abused her and each of her siblings, and that the mother hit her and her 11-year-old sister almost daily. Y.P. had a scratch mark on the left side of her face and apparently had two other injuries that could not be shown to the caller because they would involve removing Y.P.'s clothing. The caller reported that Y.P. had said her parents' adult son had been sexually abusing her since she was about 10 years old, but did not know if he was abusing her younger siblings. The caller said that Y.P. was "terrified to go home and that she would rather run away than go home."

When interviewed by the social worker, each of the four siblings reported that the parents physically abused them on a regular basis and that Y.P. and her 11-year-old sister got hit the most often. Both parents denied ever hitting the children and denied knowledge of their adult son sexually abusing Y.P. Both accused Y.P. of lying. The adult son denied sexually abusing Y.P. and accused her of lying. Y.P. stated that the parents began abusing her and her siblings when they were still in foster care, but that it escalated to hitting once the adoption was finalized. Y.P. stated that the abuse had gotten worse and more frequent as she got older, and that is why she finally reported it at school.

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<sup>1</sup> It was noted children were extremely nervous when questioned about their injuries.

Y.P. also said that the mother deprived the children of food as punishment—the longest time for three days. Y.P. stated she was very afraid of her adoptive mother.

*Subsequent Procedural History—2011-2012*

The parents pled no contest and on January 31, 2011, the Los Angeles court took jurisdiction over Y.P. and her siblings.<sup>2</sup> The court sustained allegations under Section 300 of the Welfare and Institutions Code, subdivisions (a)—serious physical harm, (b)—failure to protect, (d)—sexual abuse, and (j)—abuse of sibling. At disposition on February 1, 2011, Y.P. was removed from the parents' care and they were to receive reunification services. On June 1, 2012, the Los Angeles court terminated reunification services and set a Welfare and Institutions Code section 366.26 hearing. On September 19, 2012, the court ordered Y.P.'s permanent plan to be a planned permanent living arrangement with a specific goal of emancipation.

*Y.P.'s Placements, AWOLs, Treatment and Pregnancy*

Y.P. was hospitalized on a Welfare and Institutions Code section 5150 hold (section 5150) on December 28, 2010, for depression and for cutting her wrists. She was again hospitalized on a section 5150 hold on January 5, 2011, when she reopened her wounds with a pencil. By June of 2011, Y.P. had “seven hospitalizations in four months.” Y.P. at times required psychotropic medication. Over the next two years, while in Los Angeles County, Y.P. went through a number of foster homes, group homes

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<sup>2</sup> Y.P.'s siblings are not parties to this appeal, and so the remainder of this factual and procedural description focuses on Y.P.

and residential facilities. The changes in placement were often dictated by what placements would accept her after her most recent hospitalization or AWOL.

Beginning in October 2011, Y.P. began a pattern of running away from placements. On January 28, 2012, Y.P. was placed in a new foster home in Riverside County, from which she ran away on September 8, 2012. Y.P. was gone for about four days before being hospitalized, first for anemia, and then for excessive vaginal and rectal bleeding and abdominal pain. During this time away from the foster home, Y.P. became pregnant by her 18-year-old boyfriend. At some point, Y.P. moved to a group home for pregnant teenagers in Orange County. Y.P. saw an obstetrician/gynecologist in Orange County, planned to deliver her baby nearby, and expressed a desire to remain living in Orange County. Y.P. left that facility twice, and after the second time, on May 17, 2012, was placed in her former foster home in Riverside County, which she left one week later. Y.P. was apprehended in Moreno Valley and transported to Los Angeles. She went into labor and delivered her baby at the Orange County hospital on June 6, 2013, three weeks after turning 15. After some difficulty in finding an appropriate placement, Y.P. and her baby were placed in a group home in Riverside County on June 11, 2013. She left that placement with her baby on August 13, 2014, spent some time with the baby's father, then returned on August 15. The next day she again left the placement, this time without the baby, and ran away with the baby's father. Mother voluntarily returned to the Riverside group home on August 23.

### *Transfer from Los Angeles County*

On September 16, 2013, the Los Angeles County court held a permanent plan review hearing. Y.P.'s counsel asked the court to "consider transferring [Y.P.'s] part of the case to Riverside County so that they can coordinate services. She's actually living out there in a group home." In response to the court's inquiry regarding how long Y.P. had lived at the same group home, Y.P.'s counsel replied "She's been in Riverside County entirely, at a group home—at two different group homes and at a foster mom's, for the last three years.<sup>3</sup> And even when she's been AWOL, she's been out there." Counsel for both adoptive parents objected to the transfer. The court set the permanent plan for Y.P. as permanent placement in the Riverside County group home. The court also, after expressing both doubt that Riverside would accept the case and hope that Y.P. would not be left in limbo without services from either county, transferred the case to Riverside County.

### *Riverside County Hearing*

On October 2, 2013, the Riverside County court sent notice of a transfer-in hearing to county counsel, DPSS, and to Y.P. herself. On October 11, 2013, the court held a transfer-in hearing with only the juvenile court officer present. DPSS requested a transfer-out hearing be scheduled because "The child resides in a group home and this is not considered a stable placement per ICT protocol. A group home transfer shall not occur. Also, the child has not been stable in placement. She's only been in her current

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<sup>3</sup> This statement is not accurate. As the above description shows, Y.P.'s presence in Riverside County did not at that time span three years.

placement since June 2013, and she has been in four placements in the last six months and is a habitual runaway. [¶] Further, she has not met the one-year residency requirement. And she also has an open PP case in Los Angeles County.” The court accepted the case for transfer-in for the purpose of setting a transfer-out hearing.

On October 15, 2013, the Riverside County court held a transfer-out hearing, again with only the juvenile court officer present. That officer stated the DPSS request to transfer the case back to Los Angeles County “due to the child residing in a group home placement which is not considered a stable placement for ICPC protocol.” The court granted the DPSS request, stating “[Y.P.] has not been in placement for a year. She is also not stable in placement. She is a habitual runaway. [¶] The matter is transferred back to L.A. It’s in contravention of the inter-county protocol.” The record does not contain any notices to Y.P. or her counsel regarding this hearing.

This appeal by Y.P. followed.

### **DISCUSSION**

The parties agree that the Riverside court did not hold proper transfer-in and transfer-out hearings. First, the record shows that Y.P. received notice of the transfer-in hearing, addressed to her personally at her Riverside County group home, but no notice was sent to her counsel or her adoptive parents, and no counsel was appointed to represent Y.P.’s interests. As for the transfer-out hearing, the record contains no notice to anyone at all, and, again, no counsel was appointed to represent Y.P.’s interests. (See Rules of Court, rule 5.612, subds. (a)(2) & (b).)

Second, a key ingredient missing from the transfer-out hearing, in addition to an opportunity for Y.P., her appointed counsel and her adoptive parents to attend, was any consideration of whether a transfer back to Los Angeles County was Y.P.'s best interest. The one-page transcript of the transfer-out hearing makes no mention whatsoever of this central consideration. California Rules of Court, rule 5.610, subdivision (e), requires "After the court determines the identity and residence of the child's custodian, the court must consider whether transfer of the case would be in the child's best interest. The court may not transfer the case unless it determines that the transfer will protect or further the child's best interest."

#### **DISPOSITION**

For the two reasons stated above, we reverse the juvenile court's order transferring Y.P.'s case back to Los Angeles County. Should DPSS seek a new transfer-out hearing, it must be conducted in full accordance with established law.

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RAMIREZ

P. J.

We concur:

KING

J.

MILLER

J.